Agent's Docket No.: CBL-104/DIV

#### **REMARKS:**

# ALLOWABLE SUBJECT MATTER

The Applicants appreciate the Examiner's indication of allowable subject matter in claims 22 and 27-32.

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## **CLAIM REJECTIONS**

35 USC 102

The Examiner has rejected claims 21, and 23-26 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,218,280 to Kriliouk et al. (hereinafter Kriliouk). In rejecting the claims, the Examiner states that Kriliouk teaches every element of the rejected claims.

The Applicants respectfully traverses the rejection. The Examiner has indicated that claim 22 would be allowable if rewritten in independent form. To expedite prosecution the applicants have cancelled claims 21 rewritten claim 22 in independent form. In addition the Applicants have amended claim 23 to depend from claim 22. Thus, for the reasons indicated by the Examiner, the Applicants submit that claims 21 and 22 are allowable over Kriliouk. In addition, to further expedite prosecution, the Applicants have amended claim 24 to recite that the epitaxial layer is removed from the buffer layer, as in claim 22. The Examiner has indicated that Kriliouk does not teach this feature. In addition, claims 25-26 depend from claim 24 and recite additional features therefor. As such, for the reasons cited by the Examiner, the Applicant submits that claims 22-26 are not anticipated by Kriliouk and define an invention suitable for patent protection.

## OTHER REFERENCE CITED

The Examiner has cited US Patent 6,218,269 to Nikolaev and US Patent 6,064,078 to Northrup. The Applicants submit that neither of these references is particularly relevant to the claims as they presently stand in the application.

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Amdt. Dated Jan. 2, 2004

Reply to Office Action of October. 8, 2003

### **CONCLUSION**

For the reasons set forth above, the Applicant submits that all claims are allowable over the cited art and define an invention suitable for patent protection. The Applicants therefore respectfully request that the Examiner enter the amendment, reconsider the application, and issue a Notice of Allowance in the next Office Action.

Date: Jan. 2, 2004

Respectfully submitted,

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